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May 19, 2023

BY ECF

Honorable Katharine H. Parker
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

APPLICATION GRANTED

Katharine H. Parker

Hon. Katharine H. Parker, U.S.M.J. 5/22/2023

Re: *J.L., et al. v. NYC Dep't of Education, et al.*,
No. 17-CV-7150 (PAC) (KHP)

Your Honor:

I am the Assistant Corporation Counsel in the Office of the Corporation Counsel of the City of New York assigned to represent Defendants New York City Department of Education (“DOE”) and DOE Chancellor David C. Banks in the above-referenced matter, in which Plaintiffs, three students, allege that their rights were violated due to alleged systemic delays in providing coordinated nursing, transportation, and porter services.

I write to respectfully request a two-week extension of time, from May 22, 2023 until June 5, 2023, for Plaintiffs to publicly file their motion for summary judgment with their proposed redactions, pursuant to the Court’s Order dated May 15, 2023 (ECF No. 255). The Court granted Plaintiffs’ first such request for an extension, and Plaintiffs consent to the instant request.

As background, on April 28, 2023, Plaintiffs filed a letter motion to seal their motion for summary judgment. (ECF No. 239.) By Orders dated May 1, 2023 (ECF No. 243) and May 5, 2023 (ECF No. 245), the Court directed Plaintiffs, *inter alia*, to: (1) meet and confer with Defendants in an effort to ensure that any proposed redactions to their moving papers were narrowly tailored; (2) file a revised motion to seal that explains for each proposed redaction why the redaction is necessary; and (3) publicly file a redacted version of their moving papers in accordance with their revised motion to seal.

There are several reasons for the requested enlargement. First, Defendants recently requested that Plaintiffs redact the email addresses and telephone numbers of certain nonparties. The extension of time, therefore, will enable the parties to meet and confer regarding Defendants' proposed redactions and provide Plaintiffs with sufficient time to make any such redactions upon which the parties agree. Also, portions of at least two exhibits attached to Plaintiffs' motion, which I now have reviewed for the first time, are protected by the attorney-client and work-product privileges. The extension of time, therefore, will enable me to finish my review for privilege of the approximately 150 exhibits and allow Defendants to assert any privilege and seek to claw back any portions of the documents. The enlargement also will enable the parties to meet and confer in an effort to resolve any disputes regarding privilege. In the event that the parties cannot reach an agreement, Defendants will request that the documents at issue be redacted as part of the public filing, pending the Court's ruling on any disputes regarding privilege.

Accordingly, Defendants respectfully request, on consent, that the Court grant an extension of time, until June 5, 2023, for Plaintiffs to publicly file their motion for summary judgment with their proposed redactions.

Although Plaintiffs consent to the instant request for an enlargement, Plaintiffs note that they are not agreeing to any extension of the summary judgment filing dates. The time and effort, however, that Defendants have expended on the redactions for Plaintiffs' moving papers have taken away resources from preparing Defendants' opposition papers and cross motion for summary judgment. As such, Defendants respectfully submit that it would be appropriate to extend the remaining motion deadlines by two weeks.

I thank the Court for its consideration of the within.

Respectfully submitted,

s/

Philip S. Frank
Assistant Corporation Counsel

cc: All counsel (via ECF)